

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26563 of 2023**

Arising Out of PS. Case No.-354 Year-2021 Thana- PUPRI District- Sitamarhi

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Kishan Kumar S/O Durga Prasad Resident of Village- Gadha, P.S.- Pupri,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of
anticipatory bail in connection with Pupri P.S. Case
No.354 of 2021, registered for offences under
Sections 413 and 414 of the IPC.

The allegation is regarding the informant
having received secret information on 27.10.2021,
at about 6:30 pm, that some miscreants were
engaging in sale/purchase of stolen vehicles near



Kadam Chowk, whereafter the informant along with his police force had reached at the place of occurrence and apprehended two miscreants, while one had fled away. It is further alleged that two stolen motorcycles and one motorcar were seized from the said place of occurrence, and on interrogation, the apprehended accused persons had disclosed the name of their accomplice, who had fled away, i.e. the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case in which he is on bail. The learned counsel for the petitioner has also submitted that neither stolen motorcycle nor motor car was recovered, either from the possession of the petitioner or from his house and he has been falsely implicated in the present case merely on the confessional statement made by the apprehended co-accused persons before the police, which has got no evidentiary value in the



eyes of law.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no stolen vehicle/motorcycle has been recovered from the house of the petitioner nor the petitioner has been apprehended from the spot, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Pupari at Sitamarhi in connection with Pupri P.S. Case No.354



of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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